

MINUTES

LAURENS COUNTY COUNCIL APRIL 22, 2008 LAURENS COUNTY HISTORIC COURTHOUSE COUNTY COUNCIL CHAMBERS

ATTENDANCE: **COUNCIL MEMBERS PRESENT-** County Council Chairman Jim Coleman and Vice Chair Diane Anderson; Council Members Edward McDaniel, Ted Nash, David Tribble, Keith Tollison and Joe Wood.

COUNTY STAFF: Laurens County Administrator, Ernest Segars; Laurens County Public Works Director Scott Holland and Laurens County Clerk to Council Betty Walsh.

PRESS: Bristow Marchant, *The Clinton Chronicle* and Amanda Capps, Go-Laurens Web Site.

SCHEDULED MEETING AGENDA ITEMS - ① Approval of Agenda, April 22, 2008; ② Approval of Minutes from April 8, 2008 regular session; ③ Eighth Circuit Solicitor, Jerry Peace – Worthless Check Program; ④ Resolution presentation, Dr. Lex Walters, towards his retirement from Piedmont Technical College; ⑤ Resolution Presentation – Bell Street Middle School Olympiad Team; ⑥ Second Reading, Ordinance #656 – Amending Flood Damage Prevention Ordinance #407; ⑦ Second Reading, Ordinance #657 “An Ordinance amending existing Agreement for a MultiCounty Industrial Park to include Dunkin Doughnuts; ⑧ Second Reading, Ordinance #658 – Dunkin Doughnuts, Fee-in-Lieu-of-Agreement; ⑨ First Reading, Ordinance #659 – Laurens County Fiscal Year 2008-2009 Budget; ⑩ First Reading, Ordinance #660 – Amending #465 – Local Option Sales Tax; (11) First Reading, Ordinance #661 – Special Education Appropriation for Fiscal Year 2008-2009; (12) First Reading, Ordinance #662 – Procurement Policy; (13) Resolution, National Historic Preservation Month; (14) County Council Committee on Budget and Finance Policy consideration – Travel Guidelines and Reimbursement, Accountability for Equipment Assets and Government Purchasing Card Program.

MEETING NOTIFICATION - The County Council Members and the Press were informed of the meeting in a timely manner.

CALL TO ORDER – Councilman Coleman called the April 22, 2008 meeting of Laurens County Council to order at 5:30 P.M. in the Council Chambers in the Courthouse located on the Public Square in Laurens. Chairman Coleman then invited all to stand for the delivering of the invocation by Vice Councilman Tribble and with everyone continuing standing for the Pledge of Allegiance.

APPROVAL – AGENDA – APRIL 22, 2008 – COUNCILMAN TOLLISON made the MOTION to approve the Agenda with any additions; SECONDED by VICE CHAIR ANDERSON. Councilman Nash requested to add a further discussion regarding Ordinance # 660 addressing the Local Option Sales Tax for Laurens County; VOTE 7-0.

APPROVAL – MINUTES – APRIL 8, 2008 – COUNCILMAN NASH made the MOTION to approve the minutes from the April 8, 2008 meeting with VICE CHAIR ANDERSON SECONDED; VOTE 7-0.

“WORTHLESS CHECK PROGRAM” – EIGHTH CIRCUIT SOLICITOR JERRY PEACE – Solicitor Peace appeared before Council offering the worthless check program for the local merchants and citizens towards the collection and prosecution of worthless checks within the business environment of Laurens County. Solicitor Peace said, “This was a pilot program implemented three (3) years ago with the County of Greenwood. Since its inception, it has proved to be very effective as to the collection of bad checks. Theft with a pen is more subtle than theft with a weapon, but it is still theft and it is your loss.”

From literature provided by the Solicitor, the following comments were addressed by Solicitor Peace:

What is the Worthless Check Program? The Worthless Check Unit operates within the Office of the Solicitor to provide for the collection and distribution of restitution to the victims of worthless checks. The Program transfers the collection process from the victim to the Solicitor's Office, reducing the victim's work and cost associated with collections. The traditional prosecution of worthless checks is still the law. Participation by a victim in the Worthless Check Program is optional.

The Worthless Check Program is self sustaining under the control and supervision of Solicitor Peace's Office and is supported through cooperation of the judicial, law enforcement, and community service agencies. Operational costs are recovered from the offenders.

The establishment of a Worthless Check Unit within Solicitor Peace's Office has been authorized by the Legislature in R.127, H.3749, Proviso 33.6 of 2003 and is in partnership with the county governing body.

Program Requirements: Checks qualify if: Given for labor (payroll checks) or personal services; Given in payment of Merchandise, Cash, Services; All checks must be deposited within 10 days of receipt; Returned by the bank because of Insufficient Funds, Account Closed, or Stop Payment. Checks should be submitted to the Worthless Check Unit for collection with the completed complaint forms within forty-five (45) days of the date the check was presented to you.

Checks do not qualify if: Post dated check; Agreement to hold check at the time of transaction; Victim had reason to believe check was no good upon receipt; Forgery (stolen checks, fictitious account, signature irregularity); Checks that do not qualify under this program may be in violation of another law (i.e. forgery) and will be prosecuted pursuant to the appropriate statute.

Prosecution Procedure: When the Worthless Check Program receives a worthless check complaint the County and restitution is not made in accordance with the legal requirements, a criminal charge will be filed. The Office of the Solicitor has full statutory discretion concerning the prosecution of your worthless check complaint.

Before Accepting a Check: Make sure the check is signed in your presence; Make sure the date and amount are correct; Request a driver's license/ID and record the number and the issuing state; Compare the driver's license/ID address and address on the check; note sex and race; Request date of birth; Request and verify a physical address if check denotes a PO Box; Request a place of employment and a telephone number

Councilman Tollison questioned if a business received a return check from the bank, could the business not resubmit for the second attempt to collect from the check? Solicitor Peace replied that the business could and that his office does prefer for the business to call upon the person in an attempt to collect first.

Councilman Nash stated that he felt this to be a good program for the local businesses and asked if it would take some of the load off of the Magistrate Courts. Solicitor Peace replied that it was a program that had to pay for itself and that once it is in place and the merchants find out about it, it will evolve.

Councilman McDaniel questioned if the program applied to those merchants that already had outstanding warrants towards bad checks? Solicitor Peace replied that it did not....the process would simply start with a "Dear Bubba letter" that generally generates about sixty percent (60%) collection rate....this is followed by another letter that has a collection rate of about fifteen percent (15%).

Councilman McDaniel asked if the program assisted with checks written on closed accounts? Solicitor Peace replied that this was considered forgery and would have to go through the Court System.

Councilman McDaniel questioned that if a bad check was being held by the merchant with no registered letters or warrant having been issued, could the program assist with collections? Mr. Ray, Director of the Worthless Check Program, replied that anything older than sixty (60) days or one hundred eight (180) days would be covered under the statute and the program would not be able to help with....checks have to have been deposited within the last ten (10) days or they are not prosecutable.

Councilman Tollison questioned the competition from others towards check cashing and collections. Solicitor Peace replied that agencies in the Greenwood area were contacted and told that there is room for everybody to work in this area.

COUNCILMAN WOOD made the MOTION to approve Laurens County contracting with the Office of the Solicitor to implement this program; COUNCILMAN NASH SECONDING; VOTE 6-1 (Vice Chair Anderson was in opposition).

RESOLUTION PRESENTATION – DR. LEX WALTERS – Following reading of the Resolution by Administrator Segars, Chairman Coleman invited Dr. Walters to come forward for the presentation of the Resolution to him. Dr. Walters said, “It certainly is a joy to see all again. I thank you for this, as it is certainly an honor to receive. I have enjoyed tremendously serving the educational needs of Laurens County for the past thirty nine (39) years and wish for Laurens County to support Dr. Ray Brooks during his tenure as President of Piedmont Tech.”

RESOLUTION PRESENTATION – BELL STREET MIDDLE SCHOOL OLYMPIAD TEAM – Informing all, Chairman Coleman said, “On Saturday, February 9, 2008”, the Bell Street Science Olympiad team won the South Carolina Science Olympiad competition for the sixth consecutive time. Students from the 6th to 9th grade competed for the team. Bell Street competed in twenty events, winning fourteen events and finishing second in four others. Bell Street Middle School also won the Sportsmanship Award. The events ranged from chemistry and physics to building towers and robots. The team will now represent South Carolina at the National Science Olympiad at George Washington University in Washington, DC in May 2008. Bell Street Middle School is featured in the February, 2008 issue of Time Magazine for its participation since 2001 in the Teacher Advancement Program created by the Milliken Foundation. The following students are members of the team: 6th Grade: Quinton Amick, Nolan Boozer and Allison Oxner; 7th Grade: Delayna Burroughs, Laney Cannon, Will Green and Maggie O’Shields; 8th Grade: Suzannah Bryant, Benjamin Diggers, Brindley Harwell, Antonie Hendrickson, Katelyn Oxner and Rebecca Zimmerman; 9th Grade: Billy Amick, Matt Beasley, Grant Green, Katie O’Shields, and Sarah Wicks; Coaches include Cathy Dailey and Terri O’Shields.

SECOND READING, ORDINANCE #656, “AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE LAURENS COUNTY FLOOD DAMAGE PREVENETION ORDINANCE #407.” - COUNCILMAN TRIBBLE made the MOTION to approve the requested changes with VICE CHAIR ANDERSON SECONDING; VOTE 7-0.

PUBLIC COMMENTS – Chairman Coleman opened the floor for public comments at 6:04 P.M. With no one wishing to address Council, Chairman Coleman closed the session at 6:05 P.M.

SECOND READING - ORDINANCE #657 – (by title only) MULTI-COUNTY INDUSTRIAL PARK AGREEMENT – PROJECT DOUGHNUT - COUNCILMAN TRIBBLE made the MOTION to approve Ordinance #657, by title only. VICE CHAIR ANDERSON SECONDING; VOTE 7-0

SECOND READING - ORDINANCE #658 – (by title only) FEE-IN-LIEU-OF- TAXES - PROJECT DOUGHNUT – COUNCILMAN TRIBBLE made the MOTION to approve to approve Ordinance #658, by title only; VICE CHAIR ANDERSON SECONDING; VOTE 7-0.

FIRST READING – ORDINANCE #659 - “LAURENS COUNTY BUDGET FISCAL YEAR 2008-2009”.
Administrator Segars stated, “Traditionally Council has approved new budgets upon first reading based on the approved previous years totals. The staff is requesting that again, Council approve on first reading, the same allocations that were approved for the current fiscal year FY 2007-2008.”

The allocations are as follows:	a.)	General Fund	\$16,558,192
	b.)	Solid Waste Management	\$ 1,830,647
	c.)	EMS	\$ 2,656,512
	d.)	Fire Coordinator’s Office	\$ 240,646
	e.)	Victim’s Advocate	\$ 160,737
			\$21,450,734 TOTAL

Continuing, Administrator Segars said, “The staff is in the process now of preparing the draft 2008-2009 County Budgets, which will be presented to Council for review shortly. As in the past, there will be scheduled budget workshops, at which time Council Members and Department Heads will have the opportunity to discuss the proposal in detail.”

COUNCILMAN TRIBBLE made the MOTION to approve Ordinance #659 upon first reading and based on the approved budget figures from the 2007-2008 Fiscal Year Budget; VICE CHAIR ANDERSON SECONDING; VOTE 7-0

FIRST READING – ORDINANCE #660, “AN ORDINANCE TO AMEND ORDINANCE #465, FISCAL YEAR 2008-2009; AND TO FURTHER USE AND APPLY THESE FUNDS FOR THE PURPOSE OF CAPITAL IMPROVEMENTS IN LAURENS COUNTY AND OTHER MATTERS APPERTAINING THERETO”. - Referring to the use of the Local Option Sales Tax, Councilman Nash said, “This Council held a binding referendum to determine the wishes of the citizens of Laurens County towards a local option sales tax. Last year Council elected to use twenty nine percent of the Local Option Sales Tax to help with needed capital items. According to state law we can use the twenty nine percent. But, Ordinance #402 of 1994... says that the County Council of Laurens County, the governing body of Laurens County, South Carolina gave third and final reading to an Ordinance entitled, An Ordinance providing that, if the Local Option Sales Tax is approved by Laurens County in 1994, from that day forward 100% of the revenue generated for Laurens County by the Local Option Sales Tax will be used as credits against property tax; and, to further provide that if in the future, Laurens County shall provide to use less than 100% of the revenue generated by the Local Option Sales Tax for property tax credits, this question shall be put to public referendum.” And again, Ordinance #465 read the same. I feel that this Council needs to hold another binding referendum to make these declarations as noted in the previous ordinances. With frugal spending there was hope that we would come out of the deficient we are in.

COUNCILMAN NASH made the MOTION for Council to plan for and implement a Local Option Sales Tax Referendum during the November elections; addressing the one hundred percent rollback approved during the previous referendum versus the twenty nine percent now being used. COUNCILMAN WOOD SECONDED for discussion.

Administrator Segars said, “Councilman Nash is correct; in 1994 Council had no idea that the state would impose cap limits. We do have time to organize a referendum for November. On the other hand, we do not have any funds this fiscal year for capital purchases during the upcoming budget deliberations. The one hundred nineteen thousand dollars needed for Deputy cars and funding for the completion of the GIS program. If we do this, we have no funding sources other than taxes.”

COUNCILMAN TRIBBLE made the MOTION to table the previous motion for a referendum; VICE CHAIR ANDERSON SECONDDING; VOTE 3-4 (Council Members Tollison, Wood, Nash and McDaniel were in opposition).

Councilman Wood stated, “I do not want to waste time now talking taxes; last year, I was the ring leader in this issue and Council still ended up with a six mill increase. The County has capital improvements that are in need and are still pending. If we are going to address the capital needs at all, this is the best place for it to come from. I agree that we do not need to make a habit of using the twenty nine percent every year. We also run the chances of a referendum failing us. To vote on a referendum now, is not the way to go. This is not the time to grow government with gas and other necessities of life going up; what would the people with no money do.”

Chairman Coleman said, “This is just the first step for us with this ordinance. We have not even seen the budgets yet. I too oppose on voting towards a referendum now.”

Councilman Tollison explained that he vote the way he did in order to continue discussions.

Councilman Nash said, “We are skirting the wishes of the taxpayers. Six thousand plus voted no and nine thousand plus voted yes for one hundred percent rollback on taxes.”

Councilman McDaniel said, “These are not ordinary times. We had to hold a referendum three times before it passed. You can thank the General Assembly for the shape we are in...mandates with no funding help and spending caps. Laurens County is directed to provide services to the citizens and services are expensive. We need whatever options we can.”

Councilman Tribble said, “I will not vote for another referendum.

COUNCIL VOTED 1-6 to the earlier motion by Councilman Nash (Council Members Tribble, McDaniel, Anderson, Coleman, Wood and Tollison were in opposition).

VICE CHAIR ANDERSON made the MOTION for Council to approve Ordinance #660 upon first reading with COUNCILMAN TOLLISON SECONDDING; VOTE 6-1 (Councilman Nash was in opposition).

FIRST READING – ORDINANCE #661, “PROVIDING A SPECIAL EDUCATION APPROPRIATION FOR FISCAL YEAR 2008-2009” – COUNCILMAN TRIBBLE made the MOTION for Council to approve Ordinance #661 upon first reading with VICE CHAIR ANDERSON SECONDING; VOTE 6-1 (Councilman Wood was in opposition).

FIRST READING – ORDINANCE #662 - “PROCUREMENT ORDINANCE POLICY” - Administrator Segars reviewed the areas that have been changed as follows:

- 1.) Page 9 - SECTION 3 - SOURCE SELECTION AND CONTRACT FORMATION - PART A - EXEMPTIONS
14 Professional services such as legal, audit, medical, engineers, land surveyors and architects.
- 1.) Page 11 - PART B - METHODS OF SOURCE SELECTION - 3.3 Competitive Sealed Bidding.
(1) Conditions for Use. Contracts amounting to thirty thousand dollars (\$30,000) or more shall be awarded by competitive sealed bidding except as otherwise provided in Section 3.2 (Methods of Source Selection).
- 3.) Page 11 - PART B - METHODS OF SOURCE SELECTION - (8) Correction or Withdrawal of Bids; Cancellation of Awards. ~~Correction or~~ withdrawal of inadvertently erroneous bids before or after bid opening, or cancellation of awards or contracts based on such mistakes, may be permitted subject to the following: appropriate mistakes discovered by the bidder before bid opening may be ~~modified or~~ withdrawn by submitting written notice to the Purchasing Department prior to the time set for bid opening. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the County or fair competition shall be permitted. Except as otherwise provided by regulation, all decisions to permit the correction or withdrawal of bids, or to cancel awards, or contracts, after award but prior to performance shall be supported by a written determination made by the Procurement Director.
- 4.) Page 16 - PART B - METHODS OF SOURCE SELECTION - 3.11 Professional Services. - (1) Authority. For the purpose of procuring the services of accountants, clergy, consultants, court reporters, dentists, lawyers, physicians, engineers, architects and land surveyors “or other professional services” as defined in this Section, any using department requiring such services may procure them on its own behalf, in accordance with the selection procedures specified in this Section. Any using department procuring such services shall consult with the Procurement Director. No contract for services may be awarded without prior approval of County Administrator.
- 5.) Page 21 - SECTION 5 - PROCUREMENT OF CONSTRUCTION, ARCHITECT-ENGINEER AND LAND SURVEYING SERVICES - PART B - BID SECURITY AND BONDS - 5.2 Bid Security. - (1) Requirement for Bid Security. Bid security shall be required for all competitive sealed bidding for construction contracts when the price is estimated by the Procurement Director to exceed \$100,000 ~~\$15,000~~. Bid security shall be a legitimate bid bond provided by a surety company authorized to do business in South Carolina, or the equivalent in cash, or otherwise supplied in the form satisfactory to the County (surety bond, certified check, cashiers’ check or money order). Nothing herein prevents the requirement of such bonds on construction contracts under \$15,000 when the circumstances warrant.
- 6.) Page 25 - PART B – PROCEEDS - 6.4 Allocation of Proceeds from Sale, Lease or Disposal of Surplus Supplies. Proceeds from the sale, lease or disposal of surplus supplies shall be deposited into the County’s general fund or other appropriate fund as determined by the Finance Director as approved by the County Administrator. If property was acquired with Grant funds, Grant disposal rules shall be followed.

COUNCILMAN TRIBBLE made the MOTION to approve Ordinance #662 with the noted changes; COUNCILMAN TOLLISON SECONDING; VOTE 7-0.

LAURENS COUNTY COUNCIL COMMITTEE ON BUDGET AND FINANCE – VARIOUS COUNTY POLICIES
Administrator Segars stated that the Council Committee on Budget and Finance also reviewed three other policy programs for Laurens County that comes to Council as a MOTION and a SECOND. COUNCIL VOTED 7-0 to approve the following polices with the noted changes as defined below:

- B. Emergency Travel – occasions may arise when an employee must travel on short notice (i.e. law enforcement, economic development). In such instances, the County Administrator can approve travel advances on a case-by-case basis.

V. Basis for Calculating Travel

- The employee shall also be reimbursed at the approved per diem rate for meals which shall not exceed \$30 per day. Breakfast \$7.00 Lunch \$8.00 Dinner \$15.00

When reimbursements for meals are claimed, the date and time of arrival and departure, starting point and destination must be shown. If this information is not on the travel reimbursement form, the form will be returned and payment will be delayed. The traveler must initial any changes in departure and arrival times. An agenda (if provided) shall be attached to all travel reimbursement forms for verification.

LAURENS COUNTY - TRAVEL REIMBURSEMENT

NAME

Today's Date

DEPARTMENT:

DATE OF TRAVEL:

FROM ACCOUNT:

DESTINATION / PURPOSE:

REQUESTED BY:

APPROVED BY:

*Hotel Expense:	Vehicle & Misc Expenses
	MILEAGE = .45 X
\$	** \$ -
	PARKING = \$ -
\$ -	TIPS = \$ -
	MISC \$ -
\$ -	\$ -
	\$ -
* Must attach a receipt	** List total mileage

Meals Expense								
	MON	TUES	WED	THURS	FRI	SAT	SUN	TOTALS
BRKFST \$7								\$ -
LUNCH \$8								\$ -
DINNER \$15								\$ -
TOTAL	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Total Hotel Expenses \$ -

Total Vehicle & Misc. Expense \$ -

Total Meal Expense \$ -

TOTAL REIMBURSEMENT DUE \$ -

Please see travel reimbursement policy for complete guidelines on travel reimbursement.

Mileage reimbursement is .45 per mile

Meals: \$ 7.00 Breakfast
\$ 8.00 Lunch
\$ 15.00 Dinner

PLEASE ATTACH
AGENDA (IF AVAILABLE)

\$30.00

- A.) Accountability for Equipment Assets for Laurens County - No changes
- B.) Laurens County Government Purchasing Card Program – No changes

RESOLUTION – MAY, 2008 - “NATIONAL HISTORIC PRESERVATION MONTH” – COUNCILMAN NASH made the MOTION to approve the requested Resolution declaring May, 2008 as “National Historic Preservation Month”. COUNCILMAN MCDANIEL SECONDING; VOTE 7-0.

In attendance were Julian Bolt and Mr. And Mrs. McCarter. All thanked Council for approving the Resolution.

COUNTY COUNCIL COMMENTS:

- Councilman McDaniel requested Council to consider planning another trip to Washington, posturing assistance towards economical and infrastructure growth within Laurens County. Chairman Coleman stated that there is a priority list of projects already in place for Laurens County that could be used.
- Councilman Wood expressed his appreciation towards the Joe Adair Center and all of the work put into making it a success.
 - Mr. Julian Bolt, representing the Laurens County Museum and the requested Resolution, added to the comments of Councilman Wood that the County Museum is open every second Sunday of the month from 2:00 P.M. until 4:00 P.M.....a new roof and interior renovations with much painting has been completed..there are many Laurens County artifacts included in the exhibits.
- Chairman Coleman noted the Rosemont Society event scheduled for Saturday at 2:00 P.M.
- Councilman Nash thanked all that were in attendance of the meeting.
- Administrator Segars informed Council of a recent meeting with the Staff of the Laurens County Health Care System as to possible coming into contract with the County for hospital Security.

ADJOURNMENT – BY CONSENSUS the meeting was adjourned at 6:45 P.M.

Respectfully Submitted,



Betty C. Walsh
Laurens County Clerk to Council

:bcw